

Remarks

The Office Action mailed April 13, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-22 are now pending in this application. Claims 1-22 stand rejected.

The rejection of Claims 2 and 14-22 under 35 U.S.C. § 112 is respectfully traversed. Specifically, Claim 2 has been amended to recite an apparatus “sized to be portable...” Moreover, Claim 14 has been amended to recite “a portable studio system configured to communicate with said sound board...” Claims 15-22 depend from Claim 14. For the reasons set forth above, Applicants respectfully request that the Section 112 rejections of Claims 2 and 14-22 be withdrawn.

The rejection of Claims 1, 2, 4-9, 11-15 and 17-22 under 35 U.S.C. § 102(b) as being anticipated by Qian et al. (U.S. Published Patent Application 2002/0189429) (“Qian”) is respectfully traversed.

Qian describes a digital portable music player that includes a non volatile memory for storing and recording music files having an audio portion and a data portion. The player includes both a display screen for displaying the data portion and a headphone jack for receiving headphones such that a user may hear the audio portion. The player also includes a microphone jack for receiving an external microphone. A microprocessor is included that has instructions for retrieving and decoding the music file from the non volatile memory and instructions for playing the music file. The instructions for playing the music file include instructions for displaying the data portion over the display screen simultaneously with emitting the audio portion over headphones. The microprocessor has further instructions for recording a user's voice, coming through the external microphone, in real time with the playing of the music file. The microprocessor has yet further instructions for synchronously replaying the recorded user's voice with the music file at a later time.

Claim 1 recites an apparatus including “a microphone...a music generation device...a processing unit contained in a single housing, said processing unit electrically coupled with

said microphone and said music generation device for receiving a first input signal from said microphone and a second input signal from said music generation device, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal...a headphone for receiving said output signal from said processing unit to enable a user to hear said output...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Qian does not describe nor suggest an apparatus as recited in Claim 1. More specifically, Qian does not describe nor suggest a user input interface configured to control an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the present invention, Qian describes a digital portable music player having a microprocessor for synchronously replaying a recorded user's voice with a music file. Notably, Qian neither describes nor suggests altering the amplification of either the recorded voice or the music file. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Qian.

Claims 2 and 4-7 depend from independent Claim 1. When the recitations of Claims 2 and 4-7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2 and 4-7 likewise are patentable over Qian.

Claim 8 recites a method for mixing and controlling sound, wherein the method includes “transmitting a first input signal from a microphone to a processing unit...communicating a second input signal from a portable music generating device to the processing unit...processing at the processing unit the at least one of the first and second input signals for generating an output signal...controlling the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Qian does not describe nor suggest a method as recited in Claim 8. More specifically, Qian does not describe nor suggest controlling an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast

to the present invention, Qian describes a digital portable music player having a microprocessor for synchronously replaying a recorded user's voice with a music file. Notably, Qian neither describes nor suggests altering the amplification of either the recorded voice or the music file. Accordingly, for at least the reasons set forth above, Claim 8 is submitted to be patentable over Qian.

Claims 9 and 11-13 depend from independent Claim 8. When the recitations of Claims 9 and 11-13 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9 and 11-13 likewise are patentable over Qian.

Claim 14 recites a sound system including a sound board for receiving, processing, and transmitting sound and a portable studio system configured to communicate with the sound board, wherein the portable studio system includes “a microphone configured to transmit a first input signal from a user’s voice...a music generation device configured to communicate a second input signal...a processing unit contained in a single housing, said processing unit electrically coupled with said microphone and said music generation device for receiving said first and second input signals, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal...a headphone configured to enable the user to receive said output signal...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Qian does not describe nor suggest a sound system as recited in Claim 14. More specifically, Qian does not describe nor suggest a user input interface configured to control an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the present invention, Qian describes a digital portable music player having a microprocessor for synchronously replaying a recorded user's voice with a music file. Notably, Qian neither describes nor suggests altering the amplification of either the recorded voice or the music file. Accordingly, for at least the reasons set forth above, Claim 14 is submitted to be patentable over Qian.

Claims 15 and 17-22 depend from independent Claim 14. When the recitations of Claims 15 and 17-22 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 15 and 17-22 likewise are patentable over Qian.

The rejection of Claims 1-6, 8-12 and 14-22 under 35 U.S.C. § 102(b) as being anticipated by Stevenson (U.S. Patent 6,737,570) is respectfully traversed.

Stevenson describes a battery powered personal audio device having touch operators. The personal audio device may play back audio files such as compact disc or digital audio stream. The user may interject sounds or audio effects onto the ongoing playback of the audio by operating one or more touch operators.

Claim 1 recites an apparatus including “a microphone...a music generation device...a processing unit contained in a single housing, said processing unit electrically coupled with said microphone and said music generation device for receiving a first input signal from said microphone and a second input signal from said music generation device, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal...a headphone for receiving said output signal from said processing unit to enable a user to hear said output...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Stevenson does not describe nor suggest an apparatus as recited in Claim 1. More specifically, Stevenson does not describe nor suggest a user input interface configured to control an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the present invention, Stevenson describes a personal audio device configured to play back audio files and receive sounds or audio effects in the ongoing playback of the audio by operating one or more touch operators. Notably, Stevenson neither describes nor suggests altering the amplification of either the play back audio files or the audio effects. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Stevenson.

Claims 2-6 depend from independent Claim 1. When the recitations of Claims 2-6 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-6 likewise are patentable over Stevenson.

Claim 8 recites a method for mixing and controlling sound, wherein the method includes “transmitting a first input signal from a microphone to a processing unit...communicating a second input signal from a portable music generating device to the processing unit...processing at the processing unit the at least one of the first and second input signals for generating an output signal...controlling the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Stevenson does not describe nor suggest a method as recited in Claim 8. More specifically, Stevenson does not describe nor suggest controlling an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the present invention, Stevenson describes a personal audio device configured to play back audio files and receive sounds or audio effects in the ongoing playback of the audio by operating one or more touch operators. Notably, Stevenson neither describes nor suggests altering the amplification of either the play back audio files or the audio effects. Accordingly, for at least the reasons set forth above, Claim 8 is submitted to be patentable over Stevenson.

Claims 9-12 depend from independent Claim 8. When the recitations of Claims 9-12 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9-12 likewise are patentable over Stevenson.

Claim 14 recites a sound system including a sound board for receiving, processing, and transmitting sound and a portable studio system configured to communicate with the sound board, wherein the portable studio system includes “a microphone configured to transmit a first input signal from a user’s voice...a music generation device configured to communicate a second input signal...a processing unit contained in a single housing, said processing unit electrically coupled with said microphone and said music generation device for receiving said first and second input signals, said processing unit configured to amplify

and add an intended effect to at least one of the first and second input signals to generate an output signal...a headphone configured to enable the user to receive said output signal...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Stevenson does not describe nor suggest a sound system as recited in Claim 14. More specifically, Stevenson does not describe nor suggest a user input interface configured to control an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the present invention, Stevenson describes a personal audio device configured to play back audio files and receive sounds or audio effects in the ongoing playback of the audio by operating one or more touch operators. Notably, Stevenson neither describes nor suggests altering the amplification of either the play back audio files or the audio effects. Accordingly, for at least the reasons set forth above, Claim 14 is submitted to be patentable over Stevenson.

Claims 15-22 depend from independent Claim 14. When the recitations of Claims 15-22 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 15-22 likewise are patentable over Stevenson.

The rejection of Claims 1-6, 8-12 and 14-22 under 35 U.S.C. § 102(b) as being anticipated by Ng et al. (U.S. Patent 6,328,570) (“Ng”) is respectfully traversed.

Ng describes a portable, programmable karaoke unit configured to store and retrieve data in compressed digital data format from an internal memory or a removable storage medium. The unit is operable by remote control and transmits audio data over radio frequencies. The unit may display visual data on an internal or external display. Data can be downloaded for storage from external sources such as a digital system or the Internet

Claim 1 recites an apparatus including “a microphone...a music generation device...a processing unit contained in a single housing, said processing unit electrically coupled with said microphone and said music generation device for receiving a first input signal from said

microphone and a second input signal from said music generation device, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal...a headphone for receiving said output signal from said processing unit to enable a user to hear said output...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Ng does not describe nor suggest an apparatus as recited in Claim 1. More specifically, Ng does not describe nor suggest a user input interface configured to control an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the present invention, Ng describes a programmable karaoke unit configured to store and retrieve data in compressed digital data format from an internal memory or a removable storage medium and transmit audio data over radio frequencies. Notably, Ng neither describes nor suggests altering the amplification of audio data. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Ng.

Claims 2-6 depend from independent Claim 1. When the recitations of Claims 2-6 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-6 likewise are patentable over Ng.

Claim 8 recites a method for mixing and controlling sound, wherein the method includes “transmitting a first input signal from a microphone to a processing unit...communicating a second input signal from a portable music generating device to the processing unit...processing at the processing unit the at least one of the first and second input signals for generating an output signal...controlling the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Ng does not describe nor suggest a method as recited in Claim 8. More specifically, Ng does not describe nor suggest controlling an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the

present invention, Ng describes a programmable karaoke unit configured to store and retrieve data in compressed digital data format from an internal memory or a removable storage medium and transmit audio data over radio frequencies. Notably, Ng neither describes nor suggests altering the amplification of audio data. Accordingly, for at least the reasons set forth above, Claim 8 is submitted to be patentable over Ng.

Claims 9-12 depend from independent Claim 8. When the recitations of Claims 9-12 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9-12 likewise are patentable over Ng.

Claim 14 recites a sound system including a sound board for receiving, processing, and transmitting sound and a portable studio system configured to communicate with the sound board, wherein the portable studio system includes “a microphone configured to transmit a first input signal from a user’s voice...a music generation device configured to communicate a second input signal...a processing unit contained in a single housing, said processing unit electrically coupled with said microphone and said music generation device for receiving said first and second input signals, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal...a headphone configured to enable the user to receive said output signal...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Ng does not describe nor suggest a sound system as recited in Claim 14. More specifically, Ng does not describe nor suggest a user input interface configured to control an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the present invention, Ng describes a programmable karaoke unit configured to store and retrieve data in compressed digital data format from an internal memory or a removable storage medium and transmit audio data over radio frequencies. Notably, Ng neither describes nor suggests altering the amplification of audio data. Accordingly, for at least the reasons set forth above, Claim 14 is submitted to be patentable over Ng.

Claims 15-22 depend from independent Claim 14. When the recitations of Claims 15-22 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 15-22 likewise are patentable over Ng.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-22 be withdrawn.

The rejection of Claims 7 and 13 under 35 U.S.C. § 103 as being unpatentable over Stevenson is respectfully traversed.

Stevenson is described above.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, the mere assertion that it would have been obvious to one of ordinary skill in the art to have modified Stevenson to obtain the claimed recitations of the present invention does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art and the Applicants given the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection.

Further, and to the extent understood, Stevenson does not describe nor suggest the claimed combination. Specifically, Claim 7 depends from Claim 1 which recites an apparatus including “a microphone...a music generation device...a processing unit contained in a single housing, said processing unit electrically coupled with said microphone and said music generation device for receiving a first input signal from said microphone and a second input signal from said music generation device, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an

output signal...a headphone for receiving said output signal from said processing unit to enable a user to hear said output...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Stevenson does not describe nor suggest an apparatus as recited in Claim 1. More specifically, Stevenson does not describe nor suggest a user input interface configured to control an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the present invention, Stevenson describes a personal audio device configured to play back audio files and receive sounds or audio effects in the ongoing playback of the audio by operating one or more touch operators. Notably, Stevenson neither describes nor suggests altering the amplification of either the play back audio files or the audio effects. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Stevenson.

Claim 7 depends from independent Claim 1. When the recitations of Claim 7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 7 likewise is patentable over Stevenson.

Moreover, and to the extent understood, Stevenson does not describe nor suggest the claimed combination. Specifically, Claim 15 depends from Claim 14 which recites a sound system including a sound board for receiving, processing, and transmitting sound and a portable studio system configured to communicate with the sound board, wherein the portable studio system includes “a microphone configured to transmit a first input signal from a user’s voice...a music generation device configured to communicate a second input signal...a processing unit contained in a single housing, said processing unit electrically coupled with said microphone and said music generation device for receiving said first and second input signals, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal...a headphone configured to enable the user to receive said output signal...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output

signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Stevenson does not describe nor suggest a sound system as recited in Claim 14. More specifically, Stevenson does not describe nor suggest a user input interface configured to control an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the present invention, Stevenson describes a personal audio device configured to play back audio files and receive sounds or audio effects in the ongoing playback of the audio by operating one or more touch operators. Notably, Stevenson neither describes nor suggests altering the amplification of either the play back audio files or the audio effects. Accordingly, for at least the reasons set forth above, Claim 14 is submitted to be patentable over Stevenson.

Claim 15 depends from independent Claim 14. When the recitations of Claim 15 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claim 15 likewise is patentable over Stevenson.

The rejection of Claims 7 and 13 under 35 U.S.C. § 103 as being unpatentable over Ng is respectfully traversed.

Ng is described above.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, the mere assertion that it would have been obvious to one of ordinary skill in the art to have modified Ng to obtain the claimed recitations of the present invention does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art and the Applicants given the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore,

fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection.

Further, and to the extent understood, Ng does not describe nor suggest the claimed combination. Specifically, Claim 7 depends from Claim 1 which recites an apparatus including “a microphone...a music generation device...a processing unit contained in a single housing, said processing unit electrically coupled with said microphone and said music generation device for receiving a first input signal from said microphone and a second input signal from said music generation device, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal...a headphone for receiving said output signal from said processing unit to enable a user to hear said output...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Ng does not describe nor suggest an apparatus as recited in Claim 1. More specifically, Ng does not describe nor suggest a user input interface configured to control an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the present invention, Ng describes a programmable karaoke unit configured to store and retrieve data in compressed digital data format from an internal memory or a removable storage medium and transmit audio data over radio frequencies. Notably, Ng neither describes nor suggests altering the amplification of audio data. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Ng.

Claim 7 depends from independent Claim 1. When the recitations of Claim 7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 7 likewise is patentable over Ng.

Moreover, and to the extent understood, Stevenson does not describe nor suggest the claimed combination. Specifically, Claim 15 depends from Claim 14 which recites a sound system including a sound board for receiving, processing, and transmitting sound and a

portable studio system configured to communicate with the sound board, wherein the portable studio system includes “a microphone configured to transmit a first input signal from a user’s voice...a music generation device configured to communicate a second input signal...a processing unit contained in a single housing, said processing unit electrically coupled with said microphone and said music generation device for receiving said first and second input signals, said processing unit configured to amplify and add an intended effect to at least one of the first and second input signals to generate an output signal...a headphone configured to enable the user to receive said output signal...a user input interface coupled to said housing of said processing unit, said user interface configured to control the output signal of said processing unit by altering the amplification of at least one of the first and second input signals.”

Ng does not describe nor suggest a sound system as recited in Claim 14. More specifically, Ng does not describe nor suggest a user input interface configured to control an output signal of a processing unit by altering the amplification of at least one of first and second input signals. Rather, in contrast to the present invention, Ng describes a programmable karaoke unit configured to store and retrieve data in compressed digital data format from an internal memory or a removable storage medium and transmit audio data over radio frequencies. Notably, Ng neither describes nor suggests altering the amplification of audio data. Accordingly, for at least the reasons set forth above, Claim 14 is submitted to be patentable over Ng.

Claim 15 depends from independent Claim 14. When the recitations of Claim 15 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claim 15 likewise is patentable over Ng.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 7 and 15 be withdrawn.

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In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. B. Reeser, III', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

Robert B. Reeser, III
Registration No. 45,548
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070